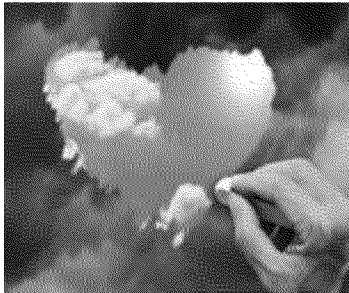


To: Allnutt, David[Allnutt.David@epa.gov]; Anderson, Lea[anderson.lea@epa.gov]; Anderson, Steve[Anderson.Steve@epa.gov]; Aranda, Amber[aranda.amber@epa.gov]; Averbach, Jonathan[Averbach.Jonathan@epa.gov]; Belser, Evan[Belser.Evan@epa.gov]; Bianco, Karen[Bianco.Karen@epa.gov]; Branning, Amy[Branning.Amy@epa.gov]; Bunker, Byron[bunker.byron@epa.gov]; Chapman, Apple[Chapman.Apple@epa.gov]; Cozad, David[Cozad.David@epa.gov]; Crum, Lynda[Crum.Lynda@epa.gov]; Crystal, Roy[crystal.roy@epa.gov]; Davis, Julian[davis.julian@epa.gov]; Dickinson, David[Dickinson.David@epa.gov]; Dierker, Carl[Dierker.Carl@epa.gov]; Dolph, Becky[Dolph.Becky@epa.gov]; Doster, Brian[Doster.Brian@epa.gov]; Dubey, Susmita[dubey.susmita@epa.gov]; Dubois, Roland[Dubois.Roland@epa.gov]; Frey, Bert[frej.bertram@epa.gov]; Froikin, Sara[Froikin.Sara@epa.gov]; Giles-AA, Cynthia[Giles-AA.Cynthia@epa.gov]; Graham, Cheryl[Graham.Cheryl@epa.gov]; Harrison, Ben[Harrison.Ben@epa.gov]; Hoffman, Howard[hoffman.howard@epa.gov]; Hogan, Stephanie[Hogan.Stephanie@epa.gov]; Holmes, Carol[Holmes.Carol@epa.gov]; Igoe, Sheila[Igoe.Sheila@epa.gov]; Jordan, Scott[Jordan.Scott@epa.gov]; Kaplan, Robert[kaplan.robert@epa.gov]; Kataoka, Mark[Kataoka.Mark@epa.gov]; Klepp, Robert[Klepp.Robert@epa.gov]; Knapp, Kristien[Knapp.Kristien@epa.gov]; Lee, Michael[lee.michaelg@epa.gov]; Lovett, Lauren[Lovett.Lauren@epa.gov]; Mackey, Cyndy[Mackey.Cyndy@epa.gov]; Manners, Mary[manners.mary@epa.gov]; Marks, Matthew[Marks.Matthew@epa.gov]; Matthews, Julie[Matthews.Juliane@epa.gov]; McConkey, Diane[Mcconkey.Diane@epa.gov]; Mclean, Kevin[Mclean.Kevin@epa.gov]; Morgan, Jeanette[Morgan.Jeanette@epa.gov]; Muller, Sheldon[Muller.Sheldon@epa.gov]; Nguyen, Quoc[Nguyen.Quoc@epa.gov]; Adair, Jocelyn[Adair.Jocelyn@epa.gov]; Odendahl, Steve[Odendahl.Steve@epa.gov]; Okoye, Winifred[Okoye.Winifred@epa.gov]; Orlin, David[Orlin.David@epa.gov]; Pastorkovich, Anne-Marie[Pastorkovich.Anne-Marie@epa.gov]; Rodman, Sonja[Rodman.Sonja@epa.gov]; Rowland, John[Rowland.John@epa.gov]; Schaaf, Eric[Schaaf.Eric@epa.gov]; Schmidt, Lorie[Schmidt.Lorie@epa.gov]; Senn, John[Senn.John@epa.gov]; Smith, Kristi[Smith.Kristi@epa.gov]; Snyder, Doug[Snyder.Doug@epa.gov]; Srinivasan, Gautam[Srinivasan.Gautam@epa.gov]; Stahle, Susan[Stahle.Susan@epa.gov]; Starfield, Lawrence[Starfield.Lawrence@epa.gov]; Stern, Allyn[Stern.Alyn@epa.gov]; Thrift, Mike[thrift.mike@epa.gov]; Tierney, Jan[tierney.jan@epa.gov]; Ting, Kaytrue[Ting.Kaytrue@epa.gov]; Tsirigotis, Peter[Tsirigotis.Peter@epa.gov]; Versace, Paul[Versace.Paul@epa.gov]; Vetter, Rick[Vetter.Rick@epa.gov]; Walker, Mike[Walker.Mike@epa.gov]; Ward, W. Robert[Ward.Robert@epa.gov]; Werner, Jacqueline[Werner.Jacqueline@epa.gov]; Wilcox, Geoffrey[wilcox.geoffrey@epa.gov]; Williams, Brent[Williams.Brent@epa.gov]; Williams, Melina[Williams.Melina@epa.gov]; Williamson, Timothy[Williamson.Tim@epa.gov]; Zenick, Elliott[Zenick.Elliott@epa.gov]; Wills, Jennifer[Wills.Jennifer@epa.gov]; Conger, Nick[Conger.Nick@epa.gov]; Blake, Wendy[Blake.Wendy@epa.gov]; Schramm, Daniel[Schramm.Daniel@epa.gov]; Vergeront, Julie[Vergeront.Julie@epa.gov]; Tozzi, Lauren[Tozzi.Lauren@epa.gov]; Pilchen, Zach[Pilchen.Zach@epa.gov]; Skinner-Thompson, Jonathan[Skinner-Thompson.Jonathan@epa.gov]; Vijayan, Abi[Vijayan.Abi@epa.gov]; Walker, Denise[Walker.Denise@epa.gov]; Caballero, Kathryn[Caballero.Kathryn@epa.gov]; Thompson, Christopher[Thompson.Christopher@epa.gov]; Williams, Christopher[Williams.Christopher@epa.gov]; Michaels, Lauren[Michaels.Lauren@epa.gov]; Nguyen, Duch[Nguyen.Duch@epa.gov]; Jordan, Deborah[Jordan.Deborah@epa.gov]; Charlton, Tom[Charlton.Tom@epa.gov]; Kulschinsky, Edward[Kulschinsky.Edward@epa.gov]; Portmess, Jessica[Portmess.Jessica@epa.gov]; Kaminer, Joan[Kaminer.Joan@epa.gov]; Kryman, Matthew[Kryman.Matthew@epa.gov]; Greenglass, Nora[Greenglass.Nora@epa.gov]; Spina, Providence[Spina.Providence@epa.gov]; Palmer, Karen[Palmer.Karen@epa.gov]; Seidman, Emily[seidman.emily@epa.gov]; Conrad, Daniel[conrad.daniel@epa.gov]; OGC FEAT[OGC_FEAT@epa.gov]; Hindin, David[Hindin.David@epa.gov]; Sullivan, Tim[Sullivan.Tim@epa.gov]; Carrillo, Andrea[Carrillo.Andrea@epa.gov]; Krallman, John[krallman.john@epa.gov]; Mastro, Donna[Mastro.Donna@epa.gov]; Kane, Eleanor[kane.eleanor@epa.gov]; Ng, Brian[Ng.Brian@epa.gov]; Li, Ryland (Shengzhi)[Li.Ryland@epa.gov]; Spiegelman, Nina[Spiegelman.Nina@epa.gov]; Kodish, Jeff[Kodish.Jeff@epa.gov]; Dugan, Brett[Dugan.Brett@epa.gov]; Yap, Jacqueline[yap.jacqueline@epa.gov]; Pierce, Alexandria[pierce.alexandria@epa.gov]; Traylor, Patrick[traylor.patrick@epa.gov]

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Sent: Tue 6/13/2017 4:07:46 PM
Subject: Air & Radiation Law News for June 13, 2017



Air & Radiation Law News for June 13, 2017

Bloomberg BNA Daily Environment Report™

Leading the News

Climate Change

U.S. Finds Isolated Climate Change Stance at G-7 Talks

Two days of talks among Group of Seven environment ministers confirmed a crack between the world's other leading industrial nations and the U.S. over climate change issues.

Insurance

Insurers May Face Challenges From a U.S. Climate Deal Exit

The insurance industry could face challenges from climate change in the long term if the U.S. exits the Paris climate accord. But the industry sees the deal's goals as reachable through other methods, the world's largest reinsurer told Bloomberg BNA.

International Climate

EPA Head Blamed Obama for Paris Deal at G-7 Climate Summit

Environmental Protection Agency chief Scott Pruitt blamed former President Barack Obama for forging a bad Paris climate deal, leaving the U.S. with the job of extricating itself, the German environment minister said.

*International Climate***U.S. Says It Has Seat at Climate Talks—But Is It at Kids' Table?**

The White House is insisting it will still have a seat at the table at the next United Nations climate summit just before Thanksgiving in Bonn—but President Donald Trump's exit from the Paris climate pact may mean the U.S. won't be sitting at the adults' table. Administration officials, including Secretary of State Rex Tillerson and EPA Administrator Scott Pruitt, insisted the U.S. still has a voice in climate negotiations, noting Trump stopped short of pulling out of ...

News*Air Pollution***EPA Air Pollution Model Gets Inspector General Scrutiny**

The EPA's process for approving the air pollution modeling methods it recommends for state regulators is slated for review by the agency's inspector general.

*Coal Mining***Arch Coal Could Expand Mining in Colorado Under Draft Plan**

Arch Coal Inc. would be able to expand the area it can explore for coal deposits in northwest Colorado under the Forest Service's preferred alternative in a recent environmental analysis, raising the ire of environmentalists.

*Emissions Trading***California Budget Bills Fail to Extend Cap-and-Trade**

California budget bills on June 12 didn't include legislation Gov. Jerry Brown (D) is seeking to reauthorize the state's greenhouse gas emissions cap-and-trade program.

*Energy***Big Oil's Clean Energy Ambitions Face Limits, Consultant Says**

The world's biggest oil companies probably won't become renewable energy majors, according to industry consultant Wood Mackenzie Ltd.

*Energy***Hydro Bills Pass House as Senate Takes Up Similar Measures**

The House signed off on a set of hydropower and minor energy bills June 12, just as a Senate panel prepared to take up its own hydro measures.

*International Climate***Europe's Climate Advice Business Resilient to Trump Paris Exit**

Europe's largest architecture and engineering consultancy says President Donald Trump's decision to pull the U.S. out of the Paris climate accord won't disrupt demand for advice on efforts to counter global warming.

*Natural Resources***Bears Ears Monument Boundaries Probably Extend Too Far: Zinke**

Interior Secretary Ryan Zinke is recommending a reduction of the size of the Bears Ears National Monument and a legislative change to allow tribal co-management of the monument, Zinke told reporters in a teleconference June 12.

*Renewable Energy***Goldman Is Buying Clean Energy to Help Power Its U.S. Operations**

Goldman Sachs Group Inc. isn't just matching renewable-power plants with corporations looking to buy wind or solar power. It'll soon be a buyer of clean energy, too.

*Science Policy***EPA Research Office Deputizes House Science Committee Aide**

A House Science, Space and Technology committee staff member took over the EPA deputy slot at the Office of Research and Development (ORD) June 12, according to an internal memo obtained by Bloomberg BNA.

Supe

Hill Watch

Hill Watch: Climate Regulation

The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

Hill Watch: Coal Mining

Hill Watch: Energy

Hill Watch: Science Policy

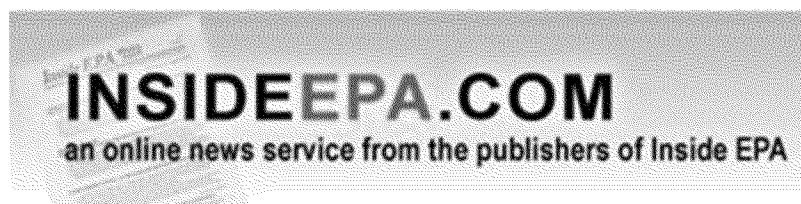
Regulatory Agenda

TODAY'S FEDERAL REGISTER

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM <http://news.bna.com/frmn/>.

TODAY'S STATE REGISTERS

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

Inside EPA's **Risk Policy Report**, 06/13/2017

<https://insideepa.com/newsletters/risk-policy-report>

Latest News

Delaying Policy, EPA Signals Significant Changes To Obama RMP Rule

EPA is suggesting it plans to make significant changes to an Obama-era facility safety rule, arguing in its announcement delaying the regulation for an additional 20 months that the rule is based on “policy preferences” that could vary between administrations, and that the agency intends to raise concerns with the rule not cited in industry petitions.

Former Officials See EPA Budget Plan Driving Layoffs Among Young Staff

A group of former EPA officials is warning that implementing the Trump administration's proposed cuts to EPA's budget would decimate the agency for years, due to layoffs that would likely impact young staff that are crucial to the agency's future.

Facing Regulatory Uncertainty, ECOS Seeks To Redefine State-Federal Roles

Facing significant uncertainty about EPA's future budgets and its regulatory role, state environmental leaders are launching a new campaign to redefine state and federal roles overseeing pollution control requirements while setting principles for how to do so.

Utility Group Suggests CPP Replacement Plan As EPA Advances Rollback

Even before EPA decides whether or how to replace the Obama-era Clean Power Plan (CPP), a coalition of 13 electric utilities that serve 25 states is pitching a replacement to the power plant greenhouse gas rule, with an attorney representing the group describing the plan as a more flexible and effective alternative than the rule EPA is poised to repeal.

DOJ Vows 'Course Corrections' To Implement Trump's Deregulatory Agenda

The Justice Department's top environmental official says the Environment and Natural Resources Division (ENRD) will continue implementing its traditional enforcement and other responsibilities but Jeffrey Wood, ENRD's acting head, says the division will make “course corrections” to implement President Donald Trump's deregulatory agenda.

Daily Feed

Court sets argument in EPA air pollution 'hot spot' case

The Sept. 19 arguments will provide insights into the court's views on EPA's modified guidance on how state and federal regulators should estimate particulate matter (PM) pollution “hot spots” caused by road-building projects.

EPA reopens public comment on air monitoring settlement

The Trump EPA is reconsidering a proposed consent decree that would require EPA and states to ensure notice and comment opportunities for the public on state air monitoring plans

DC Circuit schedules arguments over EPA boiler rule

A federal appeals court is slated to hear arguments Sept. 15 on unresolved issues in litigation on EPA's boiler air toxics rules.

Our most read: OECA's nominee, the Paris exit, Superfund reform -- and more

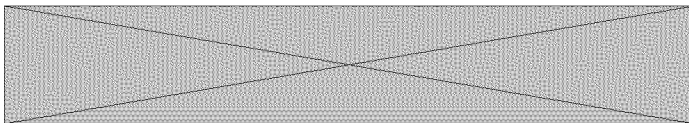
Our top five focused on Susan Bodine's upcoming confirmation hearing, EPA's Clean Power Plan repeal, Pruitt on Paris, TSCA backlog and Superfund streamlining.

Democrats press EPA on job loss from research cuts

"Funding levels requested in the [FY18 budget] would cause permanent damage to our research infrastructure and workforce," the Democratic lawmakers told Pruitt and other officials.

Is NSR next on the Trump deregulatory agenda?

From today's Ewire: The Commerce Department prepares to release its "regulatory hit list." Plus: Pruitt skips much of G7, and PFOA alternative raises toxicity concerns.



EPA

Pruitt rebuffs G-7 on climate

Hannah Hess, E&E News reporter

Published: Monday, June 12, 2017



U.S. EPA Administrator Scott Pruitt reportedly refused to sign a section of a new Group of Seven communiqué on climate change. @EPA/Twitter

The Trump administration bucked Group of Seven allies today, refusing to endorse climate action in a statement on environmental priorities.

Ministers representing Canada, France, Germany, Italy, Japan and the European Union reaffirmed their "strong commitment to the swift and effective implementation of the Paris Agreement" as part of a 63-point communiqué developed during a two-day meeting in Italy.

U.S. EPA Administrator Scott Pruitt, who reportedly departed the meeting early, refused to sign sections related to climate change, multilateral development banks and support for implementation of climate finance pledges.

Pruitt joined his counterparts in committing to a 2030 agenda for sustainable development, sustainable finance, resource efficiency and marine litter.

A footnote in the 15-page document states the U.S. decision reflects President Trump's June 1 announcement of his intent to withdraw and immediately cease implementation of the Paris accord and associated financial commitments.

It states: "We the United States of America continue to demonstrate through action, having reduced our CO2 footprint as demonstrated by achieving pre-1994 CO2 levels domestically."

The footnote says the U.S. will continue to engage with key international partners in a manner "consistent with our domestic priorities, preserving both a strong economy and a healthy environment."

Pruitt attended the first few hours of the summit yesterday but left to attend a Cabinet meeting in Washington.

The agency sent out a statement this morning announcing the U.S. "stands firm" on its decision to exit Paris and has "reset the conversation about climate change" to reflect new priorities and the

"expectations of the American people."

Pruitt said the U.S. delegation approached climate discussions "from a position of strength and clarity." The statement touted common ground with G-7 counterparts regarding other, "equally important" environmental issues.

"We are resetting the dialogue to say Paris is not the only way forward to making progress. Today's action of reaching consensus makes clear that the Paris Agreement is not the only mechanism by which environmental stewardship can be demonstrated," Pruitt said.

"It also demonstrates our commitment to honest conversations, which are the cornerstone of constructive international dialogue," he added.

Italian Environment Minister Gian Luca Galletti said after the first day of the gathering that his country "and the overwhelming majority of countries regard Paris as irreversible and non-negotiable and the only instrument possible to combat climate change." Galletti also said the other G-7 countries hoped to continue "constructive dialogue" with the U.S.

German Environment Minister Barbara Hendricks told Bloomberg that Pruitt blamed President Obama for forging a bad deal in Paris and for failing to get approval from Congress for a \$3 billion pledge for the United Nations' Green Climate Fund.

Pruitt said the U.S. would continue to show leadership on the environment by offering "action-oriented solutions." "We have indicated a willingness to engage on an international stage that stands to greatly benefit from American ingenuity, innovation, and advanced technologies," he stated.

Environmentalists criticized the move.

"The administration continues the absurd charade that they are somehow going to renegotiate Paris when in fact all major nations have said that is a complete non-starter," said Paul Bledsoe, a professorial lecturer at American University's Center for Environmental Policy.

"The Trump team is not 'resetting' any international dialogue at all — all they are doing is isolating the U.S., reducing our credibility and limiting massive clean energy investment," Bledsoe said in an email to E&E News.

"This just underscores the degree to which Trump and Pruitt have isolated the U.S. from other major developed countries," said David Waskow, director of the International Climate Initiative at World Resources Institute.

"Other countries have already started turning to states like California for cooperation on key climate and energy issues, rather than the federal government," Waskow said in an email.

Prior to his departure, Pruitt shared photos from meetings with environmental ministers from Japan and the United Kingdom. He also tweeted about delicious prosciutto and pasta.

COAL

In reversal, Trump downplays climate in mine reviews

Dylan Brown, E&E News reporter

Published: Monday, June 12, 2017



A miner works at the Acosta mine in Pennsylvania last week. Dake Kang/AP Photo

Debate over two proposed coal mine expansions, long-running climate proxy wars, intensified last week after President Trump moved to abandon the nation's carbon-cutting goals last month in the name of helping miners.

Last week, the Forest Service released a [draft supplemental environmental impact statement](#) for Arch Coal Inc.'s long-controversial West Elk mine expansion in the Gunnison National Forest.

The document signaled a departure from Obama-era efforts — and court mandates — to better account for climate impacts in National Environmental Policy Act reviews.

The Forest Service said the social cost of carbon methodology, which the Obama administration used to calculate climate impacts, is not an "appropriate tool at the project level" and is "no longer representative of governmental policy," as a Trump executive order disbanded the Interagency Working Group associated with it.

The supplemental review set out to address the climate deficiencies that a federal court found after environmental groups sued to block expansion of the Colorado site.

Environmentalists were not thrilled with the Forest Service under President Obama, either. The agency back then defended the expansion and the Colorado roadless rule that made it possible ([Greenwire](#), Dec. 16, 2016).

But Earthjustice attorney Ted Zukoski said that from his perspective, things are worse now. "This proposal is the latest example of the Trump administration's apparent desire to ignore science, poison the air we breathe," he said.

The updated study discusses rising temperatures, precipitation changes and other climate risks, and finds "no credible reason to deny the modification on the basis of climate change."

"Coal produced from the West Elk mine is a tiny fraction of the total coal mined and combusted in the U.S. on an annual basis," the Forest Service wrote. "Absent policy, or a demand side shift away from coal, there are still far too many suppliers that could substitute their coal for West Elk's in the market place."

The mining industry has long defended the Colorado roadless rule as a compromise between resource development and the environment. And, long skeptical of Obama climate review metrics, it cheers the new administration's move to undo them.

Environmentalists plan to file their objections during the public comment period lasting until July 24. And whether or not their complaints will work, Zukoski said the West Elk mine — and others like it — faces an unforgiving market for selling its coal.

Recapping the last months of 2016 with investors, Arch CEO John Eaves said the company "locked in significant international commitments" for exporting its coal.

But long-term export hopes are gloomy, as the federal Energy Information Administration has said, "Lower mining costs, cheaper transportation costs, and favorable exchange rates continue to provide a market advantage to other major coal-exporting countries" (*E&E News PM*, March 15).

According to EIA, the West Elk mine sold roughly 60 percent of its coal to U.S. power plants. Zukoski points out that a sizable portion of that coal goes to facilities that have either switched to natural gas or are working toward it.

Spring Creek

Bullish as usual on coal, the president last week delivered a recorded message to celebrate the opening of a Pennsylvania metallurgical coal mine.

"We have withdrawn the United States from the horrendous Paris climate accord, something that would have put our country back decades and decades; we would have never allowed ourselves to be great again," Trump said.

At less than 10 percent of nationwide production, the recent steel-making coal surge offers limited relief to coal overall, but Trump touts it as proof of an industry reborn because his White House puts economics before climate (*Climatewire*, June 6).

WildEarth Guardians and the Montana Environmental Information Center responded by suing the Interior Department over an 85-million-ton expansion at the Spring Creek mine in southeastern Montana.

WildEarth Guardians, which challenges federal coal leasing at every turn, also joined the cohort of environmental groups chastising new environmental analysis yesterday for West Elk.

"Whether it's turning a blind eye to our climate or letting unauthorized employees make decisions, Interior is letting Americans down," WildEarth Guardians' Jeremy Nichols said.

On Spring Creek, WildEarth Guardians and the MEIC accuse Interior of ignoring climate impacts and violating NEPA in its approval of a lease modification at Cloud Peak Energy Inc.'s operation, the country's seventh-largest coal mine.

The lawsuit also says the Interior official that signed a finding of no significant impact for the expansion lacked authority to do so — an argument that has proved fruitful for delaying other coal leases (*Greenwire*, March 20).

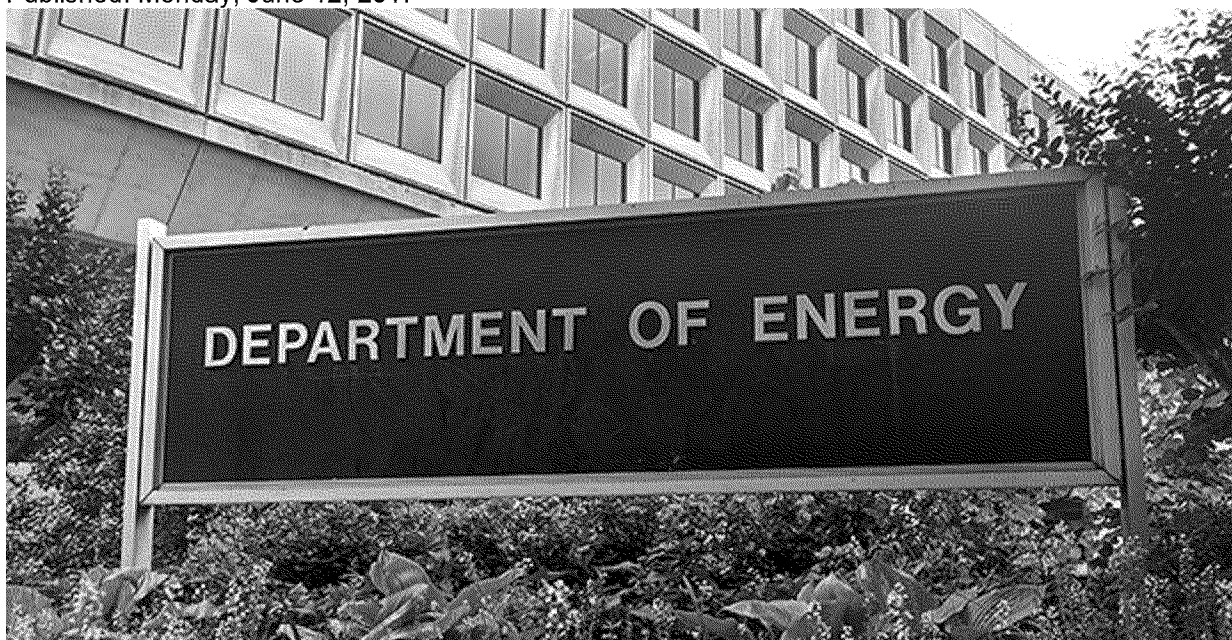
"Climate change is having disastrous consequences on our economy, our environment and our way of life both here and abroad," MEIC attorney Derf Johnson said. "It's time the federal government did its job and followed the law."

DOE

Agency shuts down long-running energy news digest

Sam Mintz and Hannah Northey, E&E News reporters

Published: Monday, June 12, 2017



The Energy Department is ending its daily energy infrastructure update after 14 years. Claudine Hellmuth/E&E News

The Department of Energy last week ended a publication that for 14 years has provided information to stakeholders about major energy infrastructure issues.

The last edition of *Energy Assurance Daily*, which has run on weekdays since 2003, was published Friday, with a note from the agency saying that "similar information is now available from alternative sources."

The publication, an initiative of DOE's Office of Electricity Delivery and Energy Reliability, was a collection of reports from other government entities and news outlets about "energy sector events."

Friday's final [issue](#) included information about the shutdown of a nuclear reactor in Pennsylvania, unplanned flaring at refineries in Texas and California, and plans to conduct a pressure test on a Michigan pipeline, as well as updates about an oil field in Libya and a Nigerian pipeline leak. The publication also carried up-to-date energy market prices.

DOE representatives did not respond to questions about why *Energy Assurance Daily* was discontinued or what those alternative sources are.

The publication was cast as a critical news source for readers eager to learn about interruptions to energy delivery in the aftermath of Hurricane Katrina, which took out oil and gas capacity in and around the Gulf Coast.

"It has been quite helpful to users interested in seeing about disruptions in any of the energy systems," said Sue Tierney, a senior adviser with the Analysis Group and a former assistant secretary for policy at DOE. "I had not heard that it was being discontinued. I don't know whether that has resulted from anticipated cuts to various DOE offices and the labs, or from something else."

Other former DOE officials said it's not clear how much money the Trump administration will save by nixing the publication or other such open-sourced news feeds across the federal government that have likewise disappeared in recent months.

Jeff Navin, who worked as DOE chief of staff under President Obama and is now a partner at Boundary Stone Partners, said DOE's news digest mirrored a similar feed at the Department of Homeland Security, the *Daily Open Source Infrastructure Report*.

DHS stopped publishing the feed in January as "part of broader efforts to more efficiently focus resources towards the highest priority needs of the critical infrastructure security and resilience community." The publication, according to DHS, was aimed at educating personnel on infrastructure protection.

"I was going to say that they are kind of duplicative, but now they're both gone," Navin said in an email.

Trump's DOE in recent months has taken other steps to curtail or change information released on its website, making private a registry with employee contact information and tweaking information about clean energy on its public portal.

In May, DOE removed the words "clean energy" from multiple technology webpages, suggesting a greater focus on fossil fuels (*Greenwire*, May 30). Those changes proceeded a makeover of the agency's website that put a greater emphasis on fossil fuels, national security and the national labs (*Greenwire*, June 5).

EPA

CEI official disparages Trump budget, urges redo

Arianna Skibell, E&E News reporter

Published: Monday, June 12, 2017



The Competitive Enterprise Institute called on Congress and President Trump to fix U.S. EPA's budget request. NRDC/Flickr

U.S. EPA's current budget request is 1,000 pages of "gobbledygook," according to the conservative Competitive Enterprise Institute's senior environmental fellow.

"The EPA's budget is a total mess," William Yeatman said in a recent [blog post](#). "For years, the agency has submitted to Congress a 1,000 page budget justification that makes no sense."

EPA Administrator Scott Pruitt is slated to testify this week before the House Interior, Environment and Related Agencies Appropriations Subcommittee on President Trump's budget plan for the agency (*E&E Daily*, June 12). Trump has proposed cutting about \$2 billion, or 30 percent, of EPA's budget, which could lead to 3,800 fewer jobs.

Yeatman said that while he thinks the administration's "heart is in the right place" with the proposed cuts, the budget justification remains an "impossibly convoluted organizational matrix."

"As in the past, the document is incomprehensible; in fact, the only difference from past practice is that the FY 2018 budget cuts the numbers by about a third, across the board," he wrote. "I fear the administration is shooting itself in the foot."

By making the budget impossible to understand, Yeatman argued, EPA evades congressional oversight. He said that during the Obama administration, the agency failed to meet its statutorily mandated responsibilities, opting instead to issue discretionary rules — though it would be impossible to tell the dollar amount given the budget's obtuseness, he claimed.

"This state of confusion is exactly how the EPA likes it," he wrote. "After all, Congress can't exercise its power of the purse if it has no idea how the money is spent."

Yeatman said a budget organized in a "logical fashion" would allow the Trump administration to see how much is being spent on discretionary policies. This could justify greater budget cuts, he said.

Yeatman said Congress should demand that EPA submit a simple-to-understand budget.

Trump, he argued, should appoint someone able to lead EPA's Office of the Chief Financial Officer, which is charged with assembling the agency's budget.

And Office of Management and Budget Director Mick Mulvaney should issue a directive requiring OMB and EPA to work toward improving the budget, he said.

"It should be noted that improving the budget would improve the environment, in addition to saving the taxpayer money," Yeatman said.

Amit Narang, regulatory policy advocate for Public Citizen's Congress Watch, said Yeatman's criticism of the budget doesn't pass the "laugh test."

"The real issue is Trump's radical and dangerous proposed budget cut that will decimate environmental protection," he said. "CEI appears to endorse that, which is not surprising given their reflexive and ideological opposition to environmental regulation in the last administration."

Narang suggested that if CEI is concerned with EPA missing statutory deadlines, as Yeatman points out, then it should reject Trump's budget cuts, which, Narang maintains, would increase those delays dramatically.

CAMPAIGN 2018

Rep. Polis jumps into Colo. gubernatorial race

Nick Bowlin, E&E News reporter

Published: Monday, June 12, 2017

Democratic Rep. Jared Polis today announced his candidacy for Colorado governor in 2018, joining an already packed race.

In a message to supporters, Polis called his campaign "a bold, progressive vision for our future" and stressed renewable energy efforts.



Rep. Jared Polis (D-Colo.). Library of Congress

"We will make Colorado completely energy independent, with 100 percent renewable energy by 2040, creating clean energy jobs that can't be outsourced," said the email. "And we will finally stop talking about the need to invest in our children, and start doing it."

The five-term congressman joins a packed Democratic primary. Candidates include businessman Noel Ginsburg, former state Sen. Mike Johnston, former state Treasurer Cary Kennedy, U.S. Rep. Ed Perlmutter and businessman Erik Underwood.

On the GOP side, Larimer County Commissioner Lew Gaiter III, state Rep. Victor Mitchell, 18th Judicial District Attorney George Brauchler, businessman Doug Robinson and banker JoAnne Silva have announced their candidacy. State Treasurer Walker Stapleton is expected to announce his candidacy soon, and Colorado Attorney General Cynthia Coffman would be a strong candidate if she decides to run.

Polis represents Colorado's 2nd District, which encompasses some Denver suburbs and the Vail ski resort. With more than \$400 million in personal wealth, Polis is one of the richest Congress members. He founded a number of technology and business companies and is an active philanthropist.

Polis would be the state's first openly gay governor if elected. He intends to finish his House term.

CLIMATE

Trump admin seeks to stop youths' lawsuit

Amanda Reilly, E&E News reporter

Published: Monday, June 12, 2017



Sen. Jeff Merkley (D-Ore.) spoke in front of the Supreme Court as youth plaintiffs involved in a climate change lawsuit watched. Amanda Reilly/E&E News

After being rebuffed by a district court, the Trump administration has directly asked a federal appeals

court to halt a high-profile climate change lawsuit brought by youth plaintiffs.

Lawyers for the administration filed a petition Friday for writ of mandamus with the 9th U.S. Circuit Court of Appeals arguing for "immediate appeal" of an earlier district court decision that allowed the case to proceed.

The legal maneuver comes after a district judge last week decided that the case should move toward trial in the U.S. District Court for the District of Oregon.

"The district court has committed multiple and clear errors of law in refusing to dismiss an action that seeks wholesale changes in federal government policy based on utterly unprecedented legal theories," the Trump administration argued.

Aided by the group Our Children's Trust, 21 youth plaintiffs and climate scientist James Hansen initially brought the suit against the Obama administration over the government's alleged role in causing and enhancing the danger of climate change.

The lawsuit alleged that federal agencies have known for five decades that burning fossil fuels would disrupt the climate system, harming future generations.

In November, Judge Ann Aiken of the Oregon district court denied requests by the administration and by industry groups — which have since asked the court to leave the case — to dismiss the lawsuit (*Greenwire*, Nov. 11, 2016).

The Trump administration, which was named the defendant after the inauguration, in March asked the district court to certify Aiken's November decision, a necessary step toward appealing it in the 9th Circuit.

Aiken formally denied the administration's request Thursday, finding that 9th Circuit review is "not warranted" before the district court completes its consideration of the case. Her decision set the stage for a high-stakes trial in the lower court (*Greenwire*, June 9).

But the Justice Department swiftly turned to the 9th Circuit, arguing in its petition Friday that appeals court review is needed in part to "prevent the district court from the unlawful exercise of its jurisdiction."

According to the petition, the district court erred in finding that the youth plaintiffs have legal standing to sue the government writ large over alleged harms caused by climate change.

There is "no basis in law" for the kids' claims that the government's actions have violated the due process clause of the Constitution and the public trust doctrine, the government also argues.

"No federal court at any level has ever found a right to be protected from a general environmental phenomenon like climate change," the petition says.

The administration also wishes to avoid the massive discovery process that would likely precede the trial in the district court.

Discovery would impose a "staggering burden" on the government, the petition argues.

The district court has permitted "an unbounded discovery process, including requests relating to sensitive internal workings of the Office of the President reaching as far back as the Administration of President Lyndon Johnson," the Trump administration told the 9th Circuit.

The administration is asking the appeals court to order Aiken to toss out the case.

Courts rarely grant petitions for writ of mandamus. The 9th Circuit may invite or order Aiken to address the government's claims before making a decision.

A spokesperson for Our Children's Trust, which has opposed the earlier efforts by the government to get out of a trial in the district court, did not respond today to a request for comment on the Trump administration's petition.

On Twitter, though, the group said that President Trump "has found something he fears more than the 9th Circuit: a climate change trial."

AIR POLLUTION

Settlement talks in Ark. haze case going nowhere — greens

Sean Reilly, E&E News reporter

Published: Monday, June 12, 2017



Environmentalists asked a federal appeals court to lift a freeze on proceedings in an Arkansas haze case regarding emissions from Entergy Corp. coal-fired power plants like the Independence plant near Newark, Ark.

Photolitherland/Wikipedia

Settlement talks to end lawsuits over an Arkansas haze reduction plan are a sham, according to environmental groups that want a federal appeals court to lift a 3-month-old stay and let proceedings resume.

"There has not been a good faith effort to resolve the issues in dispute, and, by all appearances, there is no intention of seeking to come to the table," lawyers for the National Parks Conservation Association and the Sierra Club wrote in a Friday [status report](#) filed with the 8th U.S. Circuit Court of Appeals.

Since the court granted EPA's March motion to put the consolidated litigation into abeyance, they said,

the only settlement meeting involving all parties has been a telephone conference call held last month. That call did not address either a proposed settlement laid out by the two environmental groups in March or "the substance of any alternative proposal," their status report said.

Instead, the Arkansas Department of Environmental Quality is making changes to parts of a state haze reduction blueprint that EPA under the Obama administration had previously rejected, according to a recent [letter](#) from the state agency attached to the filing. In the meantime, Arkansas regulators want their federal counterparts to freeze compliance deadlines for a substitute EPA plan that would toughen pollution controls on coal-fired power plants owned by Entergy Corp., the letter says.

With a regional haze plan for Arkansas now more than a decade overdue, the probable result will be more litigation, the Sierra Club and the parks conservation association said in the status report, adding that the two groups "do not see a viable path toward settlement at this date." They instead asked the 8th Circuit to set a schedule for remaining briefs to be filed.

In a separate [status report](#), EPA and the state, joined by Entergy and other industry challengers, offered a rosier view. Since the March stay, all sides in the litigation have joined in "a series of communications" related to a possible deal, they wrote in urging the court to leave the stay in place. "These communications have been productive, even though no agreement has been reached at this time," they added.

EPA's regional haze program, dating back to 1999 in its current form, aims to return views in 156 national parks and wilderness areas to natural conditions by 2064.

Following its partial rejection of the state plan, EPA published its alternative last August with a forecast that it would eventually cut power plant emissions of sulfur dioxide and nitrogen oxides by 68,500 tons and 15,100 tons, respectively.

Entergy, however, pegs the projected price tag of retooling generating units at two coal-fired power plants at \$2.2 billion. Backing the company's position is state Attorney General Leslie Rutledge (R), who has argued that EPA's approach could imperil grid reliability.

The standoff is one in a series around the country triggered by the Obama administration's handling of the haze program. Among the critics is current EPA Administrator Scott Pruitt. As Oklahoma's Republican attorney general, Pruitt spent three years in an unsuccessful court challenge to a federal haze plan for his state. Since taking charge at EPA in February, Pruitt has sought or gone along with delay proceedings in several other haze-reduction cases.

Last month, EPA, citing the possibility of an administrative settlement, successfully asked the 10th U.S. Circuit Court of Appeals for a 60-day extension in the briefing schedule in litigation over a Utah haze reduction plan ([Greenwire](#), May 24). After the same court granted a stay in a separate Wyoming case, environmental groups are seeking permission to pursue their challenge separately ([Greenwire](#), June 5).

AIR POLLUTION

Trump EPA taking comments on Obama monitoring settlement

[Sean Reilly](#), E&E News reporter

Published: Monday, June 12, 2017

U.S. EPA is reopening the public comment period on a proposed settlement in litigation related to changes to air quality monitoring regulations.

The tentative deal, clinched in the final weeks of the Obama administration, would require EPA to issue two "nonbinding guidance documents" to improve public access to state and local monitoring plans.

In return, the Sierra Club would drop its legal challenge filed last year with the U.S. Court of Appeals for the District of Columbia Circuit (*Greenwire*, Jan. 18).

The original public comment period on the proposed settlement expired in late February, with three comments received. With the draft guidance to be posted on the Regulations.gov website, EPA is again seeking input, according to a notice set for publication in tomorrow's edition of the *Federal Register*. Like the first comment period, this round will last 30 days.

The revised monitoring requirements, published last spring, apply to ozone, particulate matter and the other four "criteria pollutants" named in the Clean Air Act.

By EPA's description, the changes are supposed to both incorporate technical advances and lighten the reporting burden on state, local and tribal agencies.

Earthjustice, which represents the Sierra Club in the suit, and the American Lung Association had expressed concern that the new requirements did not do enough to encourage public participation in developing the monitoring plans.

The litigation is in abeyance before the D.C. Circuit. In their last status report, filed in April, lawyers for Earthjustice and EPA said the agency was weighing the three previously received comments but had not yet decided whether to "withdraw or withhold consent" to the proposed settlement. The next report is due by July 17.

PEOPLE

Immelt to step down as head of GE

Published: Monday, June 12, 2017

Longtime head of General Electric Co. Jeff Immelt announced he will step down as CEO on Aug. 1.

Immelt has led the company for 16 years and rebuilt it after the 2008 financial crisis, focusing on its industrial holdings and moving away from lending and its media enterprises.

John Flannery will replace Immelt. Flannery leads the company's health care division.

"I want to start with a fresh look around the company overall," Flannery told employees today. He said he hopes to have some recommendations in the fall. "I want to go through a deep review with a sense of urgency," he said.

GE has recently been pressured by activist investors to slash costs and increase profits in the company's core industries.

Immelt recently released a savings plan and restructured the executive bonus structure in response (Gryta/Benoit/Lublin, *Wall Street Journal*, June 12). — NB

TECHNOLOGY

Perry's climate message stands apart among energy leaders

Published: Monday, June 12, 2017

During a private meeting of energy ministers in Beijing last week, Energy Secretary Rick Perry gave a starkly different message than the others on climate change spending.

As the Trump administration seeks to roll back clean energy spending and promote fossil fuels, Australia, Canada, France, India, Japan, Norway and others announced they were on track to double their government research budgets.

Perry said the research cuts in President Trump's proposed budget reflect the view that new technologies should be left to private companies to develop.

"If you're going to have to prioritize where your dollars are going, early stage is where we're going to spend it," Perry said Friday when asked about his earlier comments. "Once [a new technology] has been proven up, we need to get out of the business."

Large developing nations like China and India have seized the mantle of leadership in fighting climate change.

"For us, it's not a political issue but a moral and spiritual issue," said Harsh Vardhan, India's minister of science and technology. "We are working for the future of our children" (Matthew Brown, [AP/San Francisco Chronicle](#), June 8). — **CS**

COAL

After years keeping lights on, Mont. town feels left behind

Published: Monday, June 12, 2017

The people in Colstrip, Mont., are angry about the push to change America's energy sources.

The town was built on coal, and its coal-fired power plant generates 2,094 megawatts of electricity, powering the greater Pacific Northwest. But people there feel like they don't have a say in America's energy system shift and fear they will be left behind.

"That's who we are," said Lu Shomate, the director of the town's historical center. "If it wasn't for the coal, and then the generation, of course, none of us would be here."

The two biggest customers for Colstrip's power, Washington and Oregon, have announced long-term commitments to get off coal.

Shomate said the same thing that happened in Appalachia is starting to happen in Colstrip. "The middle class is being ripped apart," Shomate said.

Residents want a plan to help the town, and they want other states to pay for it.

"There would be no Facebook. There would be no Bill Gates. None of that would be in Seattle without low-cost, reliable power that comes from Colstrip, Mont.," said Duane Ankney (R), a state senator who

represents the town in the state Legislature (Nathan Rott, [NPR](#), June 10). — **CS**

AIR POLLUTION

Frequent storms could deplete ozone over central U.S.

Published: Monday, June 12, 2017

Frequent summer storms over the Great Plains region could be depleting the ozone layer in the upper atmosphere, raising the risk of unhealthy exposure to ultraviolet radiation, according to new research. And climate change could make the problem worse.

Most previous studies on ozone loss have focused on the poles, where icy temperatures are well suited for the reactions that lead to ozone depletion.

While the famous "ozone hole" over the Antarctic appears to be recovering, a [study](#) published this week in the *Proceedings of the National Academy of Sciences* suggests the phenomenon is not limited to the poles. The necessary conditions, including cold upper-air temperatures previously thought to exist only in the Arctic and Antarctic, can occur in the U.S., as well.

The region sees 4,000 storms a summer that are capable of forcing water vapor into the stratosphere, which, combined with the cold temperatures, make the region prime territory for the destruction of ozone, according to the study.

The authors suggest that climate change could potentially cause more of the storms to occur and could favor chemical reactions that further deplete ozone.

The next research step is tackling uncertainties and verifying the chemical reactions that the authors predict could be destroying ozone.

"It's really surveillance and watching the system continuously and carefully with very high spatial resolution that provides what people will need," said lead author James Anderson, an atmospheric chemist at Harvard University (Chelsea Harvey, [Washington Post](#), June 9). — **SM**

WEST VIRGINIA

Groups challenge enviro agency over pipeline approval

Published: Monday, June 12, 2017

Five citizen groups last week asked a federal appeals court to overturn a West Virginia agency's approval of the Mountain Valley pipeline.

Lawyers for the local, state and national groups filed a petition Friday afternoon with the 4th U.S. Circuit Court of Appeals, challenging the West Virginia Department of Environmental Protection's OK of the 300-mile natural gas pipeline.

The organizations said the DEP did not have enough information when it issued a permit saying the pipeline will not violate the state's water quality standards.

DEP Secretary Austin Caperton declined to grant a hearing to environmental groups who appealed the

decision to him last month ([Greenwire](#), May 17).

"With the MVP proposing to cross streams more than 600 times in West Virginia alone, it's startling the bar was set so low on information required from the applicant," said Angie Rosser, executive director of the West Virginia Rivers Coalition. "Especially for a project of this magnitude, we expect a lot more detail. Without the complete information and analysis, there's no way that West Virginians can be assured their rivers and streams won't pay a price."

Other groups involved with the appeal are the Sierra Club, the Indian Creek Watershed Association, Appalachian Voices and the Chesapeake Climate Action Network (Ken Ward Jr., [Charleston \[W.Va.\] Gazette-Mail](#), June 9). — **SM**

WASHINGTON

Billion-dollar methanol plant gets vital permit

Published: Monday, June 12, 2017

A \$1.8 billion methanol plant in Washington state received a crucial county permit on the condition that the operation offset or find other ways to reduce carbon emissions.

Northwest Innovation Works will produce methanol from natural gas and ship the product to China.

Supporters note that China produces methanol from coal, calling the new plant an innovative clean energy effort. Environmentalists oppose its use of hydraulically fractured natural gas.

The state will now review the permit. The project also requires a state water quality permit for dredged material disposal standards (Hal Bernton, [Spokane Spokesman-Review](#), June 9). — **NB**

FINLAND

In contrast to U.S., nation prepares to bury reactor waste

Published: Monday, June 12, 2017

Finland is preparing to entomb its nuclear waste underneath a forested patch of land on the Gulf of Bothnia.

It's at the bottom of a steep tunnel that goes through 3 miles of granite bedrock. If all goes according to plan, the first of nearly 3,000 sealed copper canisters will be buried early in the next decade.

The project's success contrasts with other countries' efforts, including the United States' planned Yucca Mountain repository. Fierce political opposition has stalled the U.S. project, and its outcome is uncertain despite support from the Trump administration. Nuclear waste experts said Finland fared better by consulting with each community being considered for the repository and offering them veto power.

In Finland's repository, each canister is up to 17 feet long and contains about 2 tons of spent reactor fuel from the country's nuclear power industry.

The canisters will be lowered in a side tunnel about 1,400 feet underground and will be packed with clay and eventually abandoned.

Officials say the 2-inch-thick copper, clay and surrounding granite should prevent any risk of contamination to future generations.

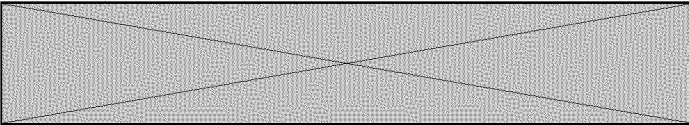
"We are pretty confident we have done our business right," said Timo Äikäs, a former executive with Posiva, the company that runs the project. "It seems the Olkiluoto bedrock is good for safe disposal" (Henry Fountain, *New York Times*, June 9). — CS

Grid

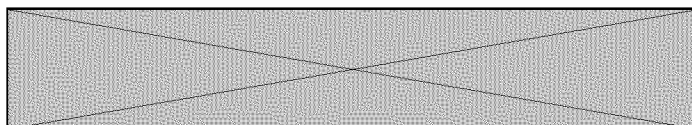
Sustainable FERC's Moore talks grid vulnerabilities and shift away from baseload generation

OnPoint: Monday, June 12, 2017

Are more renewables and less baseload generation making the grid less stable and more vulnerable to attacks? During today's OnPoint, John Moore, director of the Sustainable FERC Project at the Natural Resources Defense Council, explains why he believes electric power generation will continue to move away from baseload power. He also discusses the future of the Federal Energy Regulatory Commission once quorum is restored.

	
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INTERNATIONAL

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AN E&E NEWS PUBLICATION

ENERGYWIRE — Tue., June 13, 2017[READ FULL EDITION](#)1.PUBLIC LANDS:**Advocates go to court as Trump unwinds climate policy**

In a platter of pending challenges to fossil fuel development on public lands, environmentalists in the West see an opportunity to corner the Trump administration into taking a closer look at climate impacts.

TOP STORIES

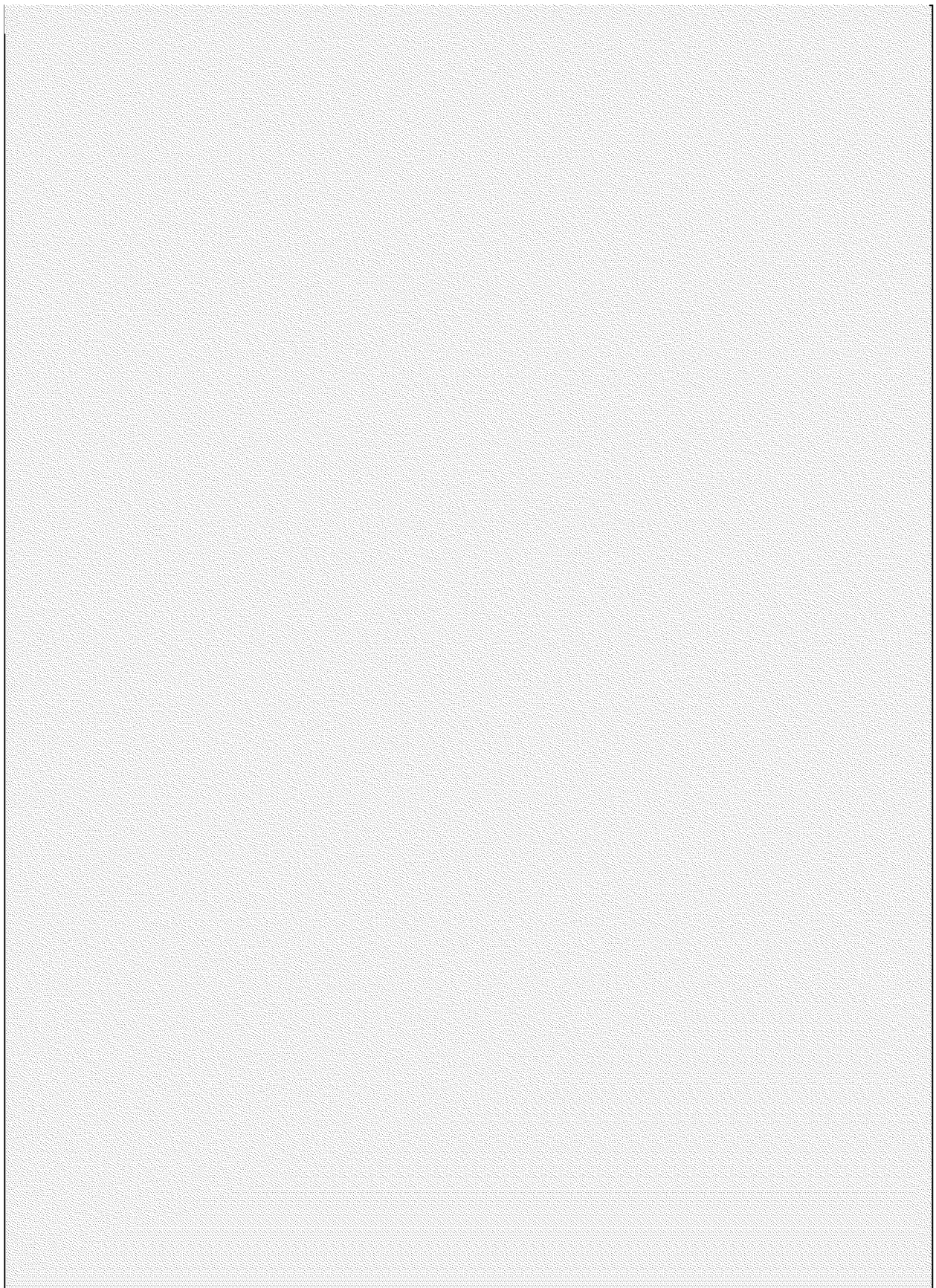
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ELECTRICITY

5.MICHIGAN:**PSC grapples with the fast-evolving future of renewable generation**6.ELECTRICITY:**In blunt terms, Midwestern utility DTE turns its back on coal**7.BUSINESS:**Goldman Sachs to buy wind energy**8.NUCLEAR:**France to shutter some reactors**9.PEOPLE:**New head of GE has record of dealmaking**

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turley.jennifer@epa.gov